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Attorneys for Defendant
WAL-MART STORES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In Re WAL-MART STORES, INC.
WAGE AND HOUR LITIGATION,

Case No. C 06-02069 SBA (BZ)

This document relates to Case Nos.:
C 06-02069 SBA (Smith) and
C 06-05411 SBA (Ballard)

**DECLARATION OF REBECCA EISEN
IN SUPPORT OF DEFENDANT WAL-
MART STORES, INC.'S MOTIONS FOR
SUMMARY JUDGMENT AND/OR
SUMMARY ADJUDICATION**

Date: April 22, 2008
Time: 1:00 p.m.
Place: Courtroom 3
Judge: Hon. Sandra Brown Armstrong

I, Rebecca Eisen, declare:

1. I am an attorney at law admitted to the State Bar of California and admitted and duly licensed to practice before this Court. I am a partner of Morgan, Lewis & Bockius LLP, and am one of the attorneys for Defendant Wal-Mart Stores, Inc. in this action. The facts set forth below are true of my personal knowledge and, if called upon, I could and would testify competently to these facts.

2. On March 3, 2008, I participated in a meet and confer session with Plaintiffs' counsel. During the March 3 meet and confer, and in a subsequent conversation, I advised Plaintiffs' counsel as to each of the grounds upon which Wal-Mart intended to move for summary judgment and/or summary adjudication.
3. During the meet and confer, Plaintiffs' counsel took the position that they disagreed with Wal-Mart's grounds for its potential motion for summary judgment and/or summary adjudication. Plaintiffs' counsel declined to voluntarily dismiss any of their claims.
4. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition of Martin M. Shapiro, Ph.D. taken in this case on November 7, 2007.
5. Defendant's former counsel Orrick, Herrington & Sutcliffe took the depositions of the named Plaintiffs Michael Wiggins, Barry Smith and Danton Ballard in this action. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition of Danton Ballard taken in this case on July 25, 2007, along with a copy of deposition Exhibit 4 which was marked, presented to and authenticated by Ballard during the deposition.
6. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition of Michael Wiggins taken in this case on August 3, 2007, along with copies of deposition Exhibits 1, 3, 7, and 9 which were marked, presented to and authenticated by Wiggins during the deposition.
7. Attached hereto as Exhibit D is a true and correct copy of excerpts from the deposition of Barry Smith taken in this case on August 3, 2007, along with copies of deposition Exhibits 1, 2 and 6 which were marked, presented to and authenticated by Smith during the deposition.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 13th day of March 2008 at San Francisco, California.

/s/
Rebecca Eisen